see 1 GREENLEAF, EVIDENCE, 16 ed., § 162 b. A few states, notably New York, admit these more articulate expressions of present pain only if made to a physician during consultation. *Kennedy* v. *Rochester City & B. R. R. Co.*, 130 N. Y. 654, 29 N. E. 141; *Lake St. Elevated Ry. Co.* v. *Shaw*, 203 Ill. 39, 67 N. E. 374. And the consultation must intend medical treatment. *Davidson* v. *Cornell*, 132 N. Y. 228, 30 N. E. 573. This New York limitation, which developed only after the Code gave parties the right themselves to testify regarding their suffering, is condemned as illogical. See 3 WIGMORE, EVIDENCE, § 1719. A more flexible rule is required, yet one not without some guarantees of trustworthiness. Kansas admits statements of present pain only when validated by other evidence concerning the circumstances under which they were uttered. *St. Louis and Santa Fé R. R. Co.* v. *Chaney*, 77 Kan. 276, 94 Pac. 126. Some such safeguard is essential. As the meagre report of the principal case affords no indication that any guarantee was exacted before admitting the evidence, the decision is possibly wrong.

GIFTS — GIFTS *INTER VIVOS* — OWNERSHIP OF WEDDING GIFTS. — The plaintiff received money as a wedding gift from her mother to purchase furniture. After the furniture had been bought and used in the home, plaintiff's husband claimed an interest in it as joint owner. *Held*, that he had no such interest. *Wainess* v. *Jenkins*, 180 N. Y. Supp. 627.

Before the Married Woman's Property Acts, the property in gifts to the wife usually vested in the husband by reason of his marital rights. *Tllexan* v. *Wilson*, 43 Me. 186. And it was, therefore, not always necessary to determine the precise donee. Under modern statutes, with the possibility of separate ownership in the wife, it is important to distinguish the real donee of wedding gifts. As in the case of other gifts, the problem is to discover the intention of the donor, which, in the absence of express words, is to be inferred from the nature of the article, the relation between the donor and donee, and like circumstances. This reasoning, with the finding of title in the wife, has been used in cases of a devise of a separate estate. See *Miller* v. *Miller's Adm'r*, 92 Va. 510, 512, 23 S. E. 891, 892; *Duke's Heirs* v. *Duke's Devisees*, 81 Ky. 308, 311. And a similar result has been reached, as in the principal case, in gifts of personalty. *In re Grant*, 2 Story (U. S. C. C.), 312; *Graham* v. *Londonderry*, 3 Atk. 393; *Lyon* v. *Lyon*, 24 Ky. Law Rep. 2100, 72 S. W. 1102; *Ilgenfritz* v. *Ilgenfritz*, 49 Mo. App. 127.

HOMICIDE — INTENT — EFFECT OF INTOXICATION ON *MENS REA*. — Respondent ravished a girl of thirteen. To stop her screams he placed his hand over her mouth and pressed his thumb on her throat so that she died from suffocation. On an indictment for murder respondent pleaded drunkenness. The trial court directed the jury that this defense could prevail only if the accused, because of his drunkenness did not know what he was doing or that it was wrong. The jury found a verdict of murder. The Court of Criminal Appeal held that there had been a misdirection, resting on *Rex* v. *Meade*, [1909] 1 K. B. 895. *Held*, that the conviction be restored. *Director of Pub. Prosec.* v. *Beard*, [1920] A. C. 479.

For a discussion of the principles involved in this case, see NOTES, p. 78, *supra*.

HUSBAND AND WIFE. — PRESUMPTION OF COERCION — EFFECT OF MARRIED WOMAN'S ACT. — Defendant, a married woman, was convicted of selling intoxicating liquors without a license. The trial court had refused to instruct the jury that there was a presumption that a married woman, who committed a crime in the presence of her husband, acted under his coercion, and should not be found guilty unless this presumption was overcome by the evidence.